IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NO. 1604 OF 1990

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Appellant(s)
Versus
SHOBHNABEN RAJESHKUMAR DESAI & ORS. - Respondent(s)

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Appearance :
Ms. Jyoti Mehta for Appellant(s).
None for Respondent(s) : 1 - 6.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 12/09/2007

ORAL JUDGMENT

The appellant-Gujarat State Road Transport Corporation, being aggrieved by the award dated 27th November, 1989 passed by the

learned Motor Accident Claims Tribunal, Valsad at Navsari in M.A.C.P. No. 697 of 1987, is before this Court with a submission that the learned Tribunal below erred in awarding a sum of Rs.2,68,300/-. The appellant-Corporation has confined its challenge to Rs.1,14,000/- only. In view of the limited challenge, this Court is not required to look into the evidence relating to rashness, negligence of the driver or cause of the accident.

2. After taking me through the evidence, Ms. Jyoti Mehta, learned Counsel for the appellant, submitted that the learned Tribunal below was unjustified in holding the monthly income of the deceased to be Rs.2,000/- and further erred in applying the multiplier of 15 (fifteen). It was also submitted that the rate of interest of 12% per annum is also on the higher side.

3. From the evidence, it would clearly appear that the deceased was working in the grade of Rs.1200 - 2000. The learned Tribunal has found that within a short period of four years, the deceased would have started earning Rs.2,000/- per month. The learned Tribunal below assessed the income of the deceased at Rs.2,000/-, which, in the opinion of this Court, cannot be termed to be unjustified. The deceased was a young man of 31 years and if, in such a case, the multiplier of 15 (fifteen) was applied, after a lapse of almost about 20 years of the accident, this Court is not required to interfere in the question of

selection of the multiplier.

4. The interest at the rate of 12% per annum may appear to be little on the higher side, but, again, after the money is already paid to the dependents, it would not be fair and reasonable to recover the money back, which is already paid to the claimants under the head of interest only.

5. I find no reason to interfere. The appeal is dismissed. No costs.

[R.S.Garg, J.]

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